



CITY OF HOUSTON

Houston Health Department

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March 23, 2023

The Honorable Brooks Landgraf
Chairman, House Environmental Regulation Committee
P.O. Box 2910
Austin, TX 78768

Re: HB 1505 Relating to the continuation and functions of the TCEQ

Dear Chairman Landgraf and House Environmental Regulation Committee Members:

Thank you for the opportunity to share the City of Houston's concerns with HB 1505, particularly related to public notice, permitting, and environmental impacts of concrete batch plants. Of the 133 concrete batch plants in the Houston area, the majority are located near Environmental Justice challenged neighborhoods. These sites next to residences and parks impact families' health and economic outlook producing particle pollution, noise pollution from trucks, and traffic in the neighborhood.

As you know, TCEQ's responsibility is to protect human health and the environment in our state. Their work is essential to the well-being of Texans and especially important to the City of Houston where more toxic air pollutant emissions are produced than any other city in our nation. Moreover, the lack of zoning in the City increases the need for effective permit compliance to protect fence-line communities.

TCEQ's effectiveness could be strengthened with some specific process revisions. The City of Houston supports the issues raised and the recommendations proposed in the TCEQ Sunset review, and specifically highlight the following:

- Public comment period extended to 36 hours after public meeting (P.5,L.16)
 - We recommend this provision be expanded to include the deadline to request a contested case hearing.
- Permit applications posted online (P.8,L.14)
- Public notice of permit applications posted online (P.10,L.12)
- Compliance history review/suspension due to exigent circumstances (P.12,L.22-24)
- Maximum daily fine increased from \$25,000 to \$40,000 (P.13,L.11)
- Periodic review of environmental flow recommendations (P.14,L.18)
- Biennial report on environmental flow standards (P.16,L.23)

The City of Houston does not support the following:

- Virtual-only public meetings. (P.11,L.3-14)

- Public meetings are an opportunity for the permit applicant to form a working relationship with their future neighbors. These relationships are best formed in person so that the permit applicant can learn the concerns, challenges, and makeup of the community. We believe a virtual public meeting option should only be offered *in addition to* an in-person public meeting.

Lastly, the City of Houston believes this session provides a clear opportunity for the Legislature to reform the TCEQ in a way that bolsters the agency's mission, while protecting residents. In this legislative session alone, there has been a bipartisan effort by legislators filing roughly 40 bills relating to concrete batch and rock crushing plants. Moreover, the City of Houston has engaged residents through numerous advocacy and public health campaigns, namely the Houston Inspira initiative funded by the U.S. Environmental Protection Agency (EPA) aimed at engaging artists and storytellers to raise awareness on the health and safety impacts of 5 communities with the highest amount of concrete batch plants.

Unfortunately, with little to no state regulations on concrete batch plants, many of the City's historically underserved communities are experiencing exacerbated health effects due to particle pollution. In addition to the recommendations proposed in the TCEQ Sunset review, we strongly request you consider the following:

- Eliminate economic interests from the TCEQ's mission
- Allow Commissioners to deny a permit based on considerations of equity and justice
- Consider cumulative impacts in permitting (SB 179 by Sen. Miles)
- Revise the location qualification for a standard permit for concrete batch plant and prohibition on the operation of concrete plants and crushing facilities in certain locations (SB 1554 by Sen. Miles)
- Establish an office of environmental justice (HB 642 by Rep. Reynolds)

I appreciate the time and effort that you have put into the 88th Legislative session and respectfully urge you to carefully consider Houston's comments. I look forward to working with you this legislative session.

Sincerely,



Loren Hopkins, PhD
Chief Environmental Science Officer
Houston Health Department